

**House File 512 - Introduced**

HOUSE FILE 512

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 171)

**A BILL FOR**

1 An Act providing for the determination of animal units which  
2 are part of confinement feeding operations, and making  
3 penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 459.301, subsection 3, Code 2013, is  
2 amended to read as follows:

3 3. In calculating the animal unit capacity of a confinement  
4 feeding operation, the animal unit capacity shall include the  
5 animal unit capacity of all confinement feeding operation  
6 buildings which are part of the confinement feeding operation,  
7 unless a confinement feeding operation building has been  
8 abandoned as provided in section 459.201. In calculating  
9 animal unit capacity for purposes of an election to be a small  
10 animal feeding operation as provided in section 459.312A, the  
11 animal unit capacity of a confinement feeding operation shall  
12 include all confinement feeding operation buildings that are  
13 used to house animals.

14 Sec. 2. NEW SECTION. 459.312A Election to be a small animal  
15 feeding operation.

16 A person otherwise required to submit an updated manure  
17 management plan as required in section 459.312 and pay an  
18 annual compliance fee as required in section 459.400 may make  
19 a small animal feeding operation election as provided in this  
20 section.

21 1. Upon the effective date of the election, the confinement  
22 feeding operation covered by the updated manure management  
23 plan shall be considered a small animal feeding operation only  
24 for purposes of submitting the updated manure management plan  
25 and paying the annual compliance fee, during the period of the  
26 election.

27 2. A person is eligible to make an election only if all of  
28 the following apply:

29 a. Five hundred or fewer animal units are housed at the  
30 confinement feeding operation at any one time during the period  
31 of election.

32 b. The department is notified of the election in a manner  
33 required by the department. The department may require that a  
34 person submit a notice of election as part of an updated manure  
35 management plan form or as a separate document.

1 3. The department shall provide for the period of election,  
2 including its effective and expiration dates. However, the  
3 period of election shall be at least for the same period  
4 covered by the updated manure management plan. An election  
5 automatically terminates when more than five hundred animal  
6 units are housed at the confinement feeding operation at any  
7 one time.

8 4. This section does not affect any of the following:

9 a. A condition associated with a construction permit as  
10 provided in this subchapter, including but not limited to a  
11 master matrix as provided in section 459.305.

12 b. A requirement unrelated to filing an updated manure  
13 management plan or paying an annual compliance fee, including  
14 but not limited to the filing of a construction design  
15 statement as provided in section 459.306, the application of  
16 manure as provided in section 459.313A, or the certification of  
17 a person as a confinement site manure applicator as provided  
18 in section 459.315.

19 EXPLANATION

20 BACKGROUND. The department of natural resources  
21 (department) is required to regulate confinement feeding  
22 operations (operations) under Code chapter 459, the "Animal  
23 Agriculture Compliance Act". This bill amends provisions in  
24 subchapter III which govern water quality, including how and  
25 when manure from such operations is to be applied to land.

26 CURRENT ANIMAL UNIT CAPACITY FORMULA TO DETERMINE AN  
27 OPERATION'S SIZE. To some extent, the degree of regulation  
28 depends upon an operation's size which is determined by  
29 calculating its animal unit capacity; the maximum number  
30 of animal units that may be maintained in all confinement  
31 buildings (buildings) at any one time (Code section 459.102).  
32 Each of various types of animals are assigned a special  
33 equivalency factor. For example, a butcher or breeding swine  
34 weighing more than 55 pounds has a factor of 0.4 animal units  
35 (Code section 459.102). Generally, when calculating the animal

1 unit capacity of an operation, buildings constructed as part  
2 of the operation are included regardless of whether they are  
3 occupied, except if a building has been abandoned, i.e., has  
4 been razed or converted to another use (Code section 459.301).

5 SMALL ANIMAL FEEDING OPERATIONS. The current law provides  
6 a special regulatory exemption for small animal feeding  
7 operations, which have an animal unit capacity of 500 or  
8 fewer animal units (Code section 459.102). For example, a  
9 confinement feeding operation with three buildings keeping  
10 a maximum of 400 butcher or breeding swine in each of two  
11 buildings and no animals in the third empty building would not  
12 qualify as a small animal feeding operation if the capacity  
13 of the three buildings were 600, 500, and 300 animal units,  
14 respectively ( $1,400 \times 0.4 = 560$ ).

15 NEW FORMULA — RECLASSIFYING CONFINEMENT FEEDING OPERATIONS  
16 BASED ON MAXIMUM NUMBER OF ANIMAL UNITS. The bill allows a  
17 person to elect to be exempt from filing a manure management  
18 plan update (update) with the department and paying an  
19 associated annual compliance fee (fee) if the person can  
20 reclassify the operation as a small animal feeding operation  
21 using a new formula which is based on the maximum number  
22 of animal units actually housed at the confinement feeding  
23 operation at any one time during the election period. An  
24 update is required to be filed by a person who owns a  
25 confinement feeding operation or who applies manure from a  
26 confinement feeding operation located outside the state (Code  
27 section 459.312). Both the original plan and the update must  
28 include the latest information regarding manure application.  
29 Using the example above, the operation could elect to be exempt  
30 as a small animal feeding operation ( $800 \times 0.4 = 320$ ). The  
31 bill provides that the department must determine the period  
32 of election so long as the minimum election period equals the  
33 duration of the updated plan. However, the election period  
34 automatically terminates if the operation no longer qualifies  
35 as a small animal feeding operation as calculated using the new

1 formula.

2 CIVIL PENALTIES. A person who violates Code chapter 459,  
3 subchapter III is subject to a civil penalty. The department  
4 is authorized to impose a range of civil penalties based  
5 on a number of criteria. The general civil penalty cannot  
6 exceed \$10,000 (Code sections 459.603 and 455B.109). A  
7 person violating a provision is also subject to judicial  
8 action brought by the attorney general (Code sections 459.603  
9 and 455B.191). The general civil penalty applicable for a  
10 violation cannot exceed \$5,000.